

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOSEPH ZICARO : ORDER OF REVOCATION
_____ : DOCKET NO: 502-01/99-190

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Joseph Zicaro had been convicted of possession of marijuana in 1976, 1979 and 1993. He had also been convicted of larceny in 1987. As a result of the drug convictions, Zicaro was permanently disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq. Zicaro appealed his disqualification before the Commissioner of Education who upheld that determination. Upon review of the above information, at that January meeting the State Board of Examiners voted to issue an Order to Show Cause to Zicaro. Zicaro currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. The regular mail copy was not returned and the certified copy was signed and returned. Zicaro did not respond to the Order to Show Cause. On May 7, 1999, Zicaro was advised by regular and certified mail that he was being provided an additional ten days to respond to the Order. Once again, the regular mail copy was not returned. The certified copy was not returned and Zicaro did not reply to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Zicaro's disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. Since Zicaro did not respond to the Order to Show Cause, the State Board

of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Zicaro's disqualification, which was predicated on the same offenses as those set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against Zicaro's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989 the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. See, N.J.S.A. 18A:6-7.1b. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils. Accordingly, the State Board of Examiners finds that Zicaro's disqualification from service in the public schools of this

State because of his convictions for possession of marijuana provides just cause to take action against his certificates.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense warrants his exclusion from service in the public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Zicaro's offenses so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Joseph Zicaro's County Substitute certificate be revoked on this 17th day of June, 1999. It is further ORDERED that Joseph Zicaro return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: August 6, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:br:josephzicaro